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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/413,867	10/07/1999	TAKAO ISHIKAWA	503.37677X00	2522

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EXAMINER

LEURIG, SHARLENE L

ART UNIT PAPER NUMBER

2879

DATE MAILED: 03/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/413,867

Applicant(s)

ISHIKAWA ET AL.

Examiner

Sharlene Leurig

Art Unit

2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-6 and 8-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6 and 8-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 0303,1103
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The amendment filed on October 3, 2003 has been entered and acknowledged by the examiner. Claims 3 and 7 have been cancelled, and claims 4-6, 8-10, 12, 14 and 16 have been amended.

Allowable Subject Matter

2. The allowance of claims 1, 2, 11, 13 and 18 and the indicated allowability of claims 4, 8, 9 and 15 is withdrawn in view of the reference(s) to Oyama et al. (5,942,319) (of record) and Itou et al. (5,939,821) (of record). Rejections based on the reference(s) follow.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1, 11, 13 and 18 are rejected under 35 U.S.C. 102(a) as being anticipated by Oyama et al. (5,942,319) (of record).

Regarding claims 1 and 11, Oyama discloses a display apparatus such as a Braun tube (cathode ray tube) (Figure 17) comprising a film on the display plane. The film has a luminous transmittance equal to or less than 85% (Table 1, examples 1-15), a

Art Unit: 2879

luminous reflectance equal to or less than 2% (column 12, lines 50-55), and a flattened reflectance curve of which absolute values of differential values in a visible light region of 380nm-780nm are equal to or less than 2, specifically within the region of 480 nm to 680 nm (applicant-provided Figure 1 in Response dated December 28, 2001).

Regarding claims 13 and 18, the film is provided on an outer surface of the display plane (Figures 1 and 2).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 4-6, 8-10, 12 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oyama et al. (5,942,319) (of record) in view of Itou et al. (5,939,821) (of record).

Regarding claims 2, 4, 8, 9, 10 and 15, Oyama discloses a film for a display device tube, including a luminous transmittance equal to or less than 85% (Table 1, examples 1-15), a luminous reflectance equal to or less than 2% (column 12, lines 50-55), and a flattened reflectance curve of which absolute values of differential values in a visible light region of 380nm-780nm are equal to or less than 2, specifically within the region of 480 nm to 680 nm (applicant-provided Figure 1 in Response dated December 28, 2001). Oyama also discloses a resistance less than 10,000 ohms/□.

Regarding claims 4 and 10, Oyama discloses that the film is formed of a laminate of at least three layers comprising a protective film (column 3, line 50; column 12, lines 38-40), a conductive film (Figure 2, elements 23 or 22), either of which can be made of a conductive material (column 6, line 11 and 44), and an absorption film (21) at a surface of the display plane closer than the conductive film.

Regarding claims 8 and 9, Oyama discloses a laminated film composed of at least three layers comprising, moving from outermost to innermost, a protective film made of silica (column 3, line 50), a conductive layer of metal such as Pd, Pt or Cr (column 6, line 11), and an absorption film (column 7, line 53).

Oyama lacks disclosure of selective absorption of certain wavelengths via coloring material in the absorption layer.

Itou teaches a color cathode ray tube having color filters (Figure 1, element 20) arranged along the inside panel and a common filter (22) arranged on the outside of the face panel. In conjunction the two filters produce a sharper image by selectively absorbing wavelengths of light, including 450 nm, 570 nm and 650 nm, as shown in Figure 3. Both the common filter and the color filters contain coloring matter (column 6, line 44 to column 7, line 27).

Therefore regarding claims 2, 4, 8, 9 and 10, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the display device of Oyama to have color filters in conjunction with a common filter by disposing coloring material within the absorption layer of the film in order to produce higher quality resolution, as taught by Itou.

Art Unit: 2879

Regarding claim 5, Oyama discloses a conductive film composed of a metal selected from the group of Pd, Pt and Cr (column 6, line 11).

Regarding claim 6, Itou teaches selective absorption being created by a combination of dyes and pigments that absorb at the selected wavelengths discussed above (column 6, line 44 to column 7, line 27).

Regarding claim 12, Oyama discloses the display apparatus being a plasma display device (column 7, line 25).

Regarding claims 14, 16 and 17, Oyama discloses that the film is provided on an outer surface of the display plane (Figures 1 and 2).

Response to Arguments

7. Applicant's arguments filed December 28, 2001, December 3, 2002 and October 3, 2003 have been fully considered but they are not persuasive.

In the response of December 28, 2001, the applicant presented a graph produced by the applicant of the reflectance and differential value of the reflectance curve of Oyama (Figure 1). The applicant argued that the graph constructed by the applicant overcomes the Oyama reference, since "the differential values of Oyama et al in the visible light region of 380-450 have a value greater than -2 such that Oyama et al fails to provide the claimed features of claim 1, as amended" (emphasis applicant's) (page 8).

After examination of the graph provided by the applicant, the examiner disagrees with the applicant's arguments and maintains that Oyama does disclose each and every limitation of independent claims 1 and 11. As illustrated in the graph provided by the applicant, the differential values of the reflectance of Oyama's film do fall within the claimed range of -2 to $+2$ (absolute value equal to 2) within the range of 380 nm to 780 nm, as seen in the portion of the graph between roughly 480 nm to 680 nm.

Therefore the examiner has withdrawn the allowance of claims 1, 2, 11, 13 and 18 and the indicated allowability of claims 4, 8, 9 and 15.

The applicant argued in the response of December 28, 2001 that the combination of Oyama in view of Itou could not be made, since the absorption layer of Itou is formed on the interior of the face panel, while the absorption films of the Oyama reference and the current invention were formed on the outer side of the panel (page 9). The location of the absorption film taught by Itou does not prevent the use of its teaching of selective absorption, since it is the combination of an inner filter and an outer filter that provides the selective absorption, and furthermore since the filters would succeed in selective absorption in the desired wavelengths even if the filters were both on the outside of the panel. The applicant further argued that the Itou reference does not address reflectance (page 9). However, the combination of Oyama with Itou was regarding Itou's teaching of selective absorption at 450 nm, 570 nm and 650 nm, not regarding reflectance, as Oyama discloses the claimed reflectance values. Therefore the rejection of claims 2, 4-6, 8-10, 12 and 15-17 is maintained.

Art Unit: 2879

Conclusion

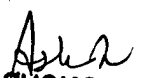
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharlene Leurig whose telephone number is (571) 272-2455. The examiner can normally be reached on Monday through Friday, 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on (571) 272-2457. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sll




ASHOK PATEL
PRIMARY EXAMINER